

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

FILED

AUG - 9 2012

IN THE MATTER OF THE APPLICATION)
OF THE UNITED STATES OF AMERICA)
FOR AN ORDER AUTHORIZING THE)
INSTALLATION AND USE OF PEN)
REGISTER AND TRAP-AND-TRACE)
DEVICES TO IDENTIFY UNKNOWN)
CELLULAR TELEPHONE NUMBER(S))
USED BY PERSONS WHOSE LOCATION)
IS KNOWN.)

U. S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

4 : 12.MC00454 TCM

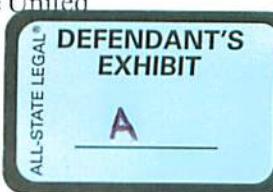
No. FILED UNDER SEAL

APPLICATION FOR PEN REGISTER AND TRAP-AND-TRACE DEVICES

1. Assistant United States Attorney Kenneth R. Tihen, an attorney for the Government as defined by Fed. R. Crim. P. 1(b)(1)(B), hereby applies for an Order pursuant to Title 18, United States Code, Section 3122, as defined in Title 18, United States Code, Section 3127, authorizing the installation and use of pen register and trap-and-trace devices to identify the wireless telephone device(s) being used by a person suspected of committing federal crimes.

2. Applicant certifies that the Drug Enforcement Administration (hereinafter referred to as the "investigative agency(ies)") are conducting an ongoing criminal investigation regarding violations of Title 21, United States Code, Section(s) 841(a)(1) and 846, by Dionne Gatling DOB:

and SSN: (hereinafter referred to as **the Subject**), who is using one or more unidentified wireless telephones. The identity of the person to whom the instruments are leased or in whose name the telephone line or other facility to which the pen register or trap-and-trace devices is to be attached or applied is unknown. The order applies to wireless telephone communications utilizing GSM, CDMA, iDEN, TDMA, UMTS, or analog protocols which comprise the entirety of all cellular or PCS wireless telephone protocols currently used in the United



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States. The number or other identifier of the telephone line or other facility to which the pen register or trap-and-trace devices is to be attached or applied is unknown and it is the purpose of the requested order to identify this unknown information, such as the electronic serial number (ESN), international mobile equipment identity (IMEI), international mobile subscriber identity (IMSI), or mobile equipment identifier (MEID).¹ The information likely to be obtained from the pen register and trap-and-trace devices is relevant to the aforementioned investigation because it will enable investigators to identify the Subject's phone(s). Title 18, United States Code, Section 3122(b)(1) and (2).

3. Pursuant to 18 U.S.C. § 3123(a)(1), Applicant requests the Court issue an order authorizing the investigative agency(ies) to install and use pen register and trap-and-trace devices from August 9, 2012, to October 7, 2012; 11:59 p.m. (CST) to detect radio signals emitted from wireless cellular telephones in the vicinity of the Subject that identify those telephones (e.g., by transmitting the telephone's ESN, IMEI, IMSI, MEID, and/or MIN) to a cellular network for authentication. By determining the unique identifying information data at two or more locations in which the Subject is reasonably believed to be operating, the ESN, IMEI, IMSI, MEID, and/or MIN corresponding to the Subject's telephone(s) can be identified. Data transmitted during autonomous registration is not dialed or otherwise controlled by the telephone user. It is an autonomous transmission that occurs when the phone is turned on and periodically thereafter, regardless of

¹ Any potential interference to service occasioned by use of the Pen Register or Trap-and-Trace will be minimized so as to be no more disruptive than might ordinarily occur with cellular service coverage.

whether a call is being made, and in fact, is clearly separate from the establishment or maintenance of a call.

4. In this instance, the Drug Enforcement Administration will use its own pen register/trap-and-trace device to identify the MIN, ESN, IMSI, MEID, or IMEI of **the Subject's** telephone(s). In order to conduct this investigation, the **Subject's** physical location will be determined and monitored by investigators. At times, while **the Subject's** whereabouts are known, investigators will monitor **the Subject** and use the pen register/trap-and-trace devices in two or more locations to collect unique identifying information for the MIN, ESN, IMSI, MEID, or IMEI of **the Subject's** cellular telephone(s). Thereafter, investigators will be able to use the collected information and other process to determine the specific phone(s) used by **the Subject**.

5. No content of any communication will be obtained. Steps will be taken to minimize any non-pertinent data. Data, including unique identifying information, which does not appear on two or more applications of the device will not be retained, analyzed or used in any affirmative way.

6. The applicant further requests that this application and any Order issued on this application be SEALED until otherwise ordered by the Court. Specifically, disclosure of the requested order and investigation would likely result in flight from prosecution, a modification of **the Subject's** activities or the activities of those with whom **the Subject** communicates and associates, or the destruction or tampering of evidence; and would otherwise severely jeopardize the investigation.

WHEREFORE, the applicant moves for an Order pursuant to Title 18, United States Code, Section 3123, authorizing the Drug Enforcement Administration to install and use a pen register and trap-and-trace devices to determine the telephone(s) used by **the Subject**, from August 9, 2012, to October 7, 2012; 11:59 p.m. (CST).

I declare, on this 9th day of August, 2012, under penalty of perjury, that the information in this application is true and correct to the best of my knowledge.

Respectfully submitted,

RICHARD G. CALLAHAN
United States Attorney


KENNETH R. TIHEN, #37325MO
Assistant United States Attorney

FILED

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U. S. DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
ST. LOUIS

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

IN THE MATTER OF THE APPLICATION
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FOR AN ORDER AUTHORIZING THE
INSTALLATION AND USE OF PEN
REGISTER AND TRAP-AND-TRACE
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No.

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SEALED ORDER FOR PEN REGISTER AND TRAP-AND-TRACE DEVICES

This matter came before the Court on application of Assistant United States Attorney Kenneth R. Tihen, an attorney for the Government, for an Order authorizing the installation and use of pen register and trap-and-trace devices to identify unknown cellular telephone numbers used by

Dionne Gatling DOB: [REDACTED] and SSN: [REDACTED] (hereinafter referred to as **the Subject**), in connection with an ongoing criminal investigation, whose locations are known.

The Court finds that the applicant has certified that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation by the agents/officers of the Drug Enforcement Administration into possible violations of Title 21, United States Code, Section(s) 841(a)(1) and 846, by **the Subject** and others known and unknown.

Upon the aforesaid application and pursuant to Title 18, United States Code, Section 3123, IT IS HEREBY ORDERED that the Drug Enforcement Administration may install and use its own pen register and trap-and-trace devices at two or more locations anywhere in the United States in the vicinity of **the Subject** to record or decode unique information necessary to identify the cellular telephone(s) used by **the Subject**, that is the mobile identification number (MIN), the electronic

serial number (ESN), international mobile equipment identity (IMEI), international mobile subscriber identity (IMSI), and/or mobile equipment identifier (MEID).

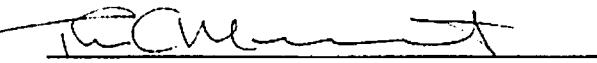
IT IS FURTHER ORDERED, that this Order shall be effective from August 9, 2012, to October 7, 2012; 11:59 p.m. (CST).

IT IS FURTHER ORDERED, that no content of any communication shall be intercepted pursuant to this Order.

IT IS FURTHER ORDERED, that any data, including unique identifying information, which does not appear on two or more applications of the device shall not be retained, analyzed or used in any affirmative way by the Drug Enforcement Administration or any investigating agency;

IT IS FURTHER ORDERED, pursuant to Title 18, United States Code, Section 3123(d), that this Order and the Application be SEALED until otherwise ordered by the Court.

Dated this 9 day of August, 2012.


THOMAS C. MUMMERT
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF MISSOURI